

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claim 5 stands rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,408,142 to Takeuchi et al. (hereinafter "Takeuchi"). Claims 3, 4 and 8-12 have been allowed.

By this amendment, claim 5 has been canceled without prejudice to or disclaimer of the subject matter contained therein. Claim 8 has been amended to correct a minor informality. Claims 3 and 8-12 remain unchanged. New claims 18-24 have been added and are discussed in greater detail below.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier. After amending the claims as set forth above, claims 3, 4, 8-12 and 18-24 are presently pending in this application for consideration.

THE CLAIMS DISTINGUISH OVER THE CITED REFERENCES

Claim 5 stands rejected as being anticipated by Takeuchi. Applicant gratefully acknowledges the Office Action's indication that claims 3, 4 and 8-12 have been allowed. Although Applicant respectfully submits that the invention which is the subject matter of rejected claim 5 may be patentable over the cited reference, Applicant at this time intends to pursue patent protection for the allowed claims. The cancellation of claim 5 is not meant to concede to the appropriateness of the rejection of this claim, but merely to expedite prosecution of the patent application.

Regarding new claims 18-24, Applicant respectfully submits that new independent claim 18 is substantially similar in scope to allowed claim 8 and includes the same patentable features of (1) ***a lid member which opens/closes the discharge port as the toner cartridge moves relative to the image forming apparatus when the toner cartridge is replaced*** and (2)

a cap which closes one end of the container which is located opposite to a side where the plurality of gears are provided, along a longitudinal direction of the container. Applicant further submits that none of the cited references, whether considered alone or in combination, discloses Applicant's claimed toner cartridge as recited in new independent claim 18. Accordingly, new independent claim 18 and claims dependent therefrom, namely claims 21-24 are also patentably distinguishable over the cited references.

As for new dependent claims 19 and 20, these claims are allowable by virtue of their direct dependence from allowed claim 8 and for containing other patentable features.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 10/27/06

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